



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

# LAW CODE OF THE KRETAN GORTYNA.<sup>1</sup>

## II.

### TEXT.

#### VI.

\**As x' o patēd dōh, tōn tō π-*

- ατρὸς χρημάτων πὰρ υἱέος | μὴ ὠνῆθθαι μὴδὲ καταθίθ-  
 5 εῖθθαι· ἄτι δέ *x'* αὐτὸς πάσητ|αι ἢ ἀπολάχῃ, ἀποδιδόθθω,  
 αἶ κα λῆ. μὴδὲ τὸν πατέρα τὰ τῶ|ν τέκνων, ἄτι *x'* αὐτοὶ πάσων-  
 10 ται ἢ ἀπολάχωντι, μὴδὲ τὰ τ||ᾶς γυναικὸς τὸν ἄνδρα ἀπο-  
 δόθθαι μὴδ' ἐπισπένσαι μὴδ' | υἱὺν τὰ τᾶς ματρὸς. αἶ δ-  
 ἐ τις πρίατο ἢ κατάθειτο ἢ ἐ|πισπένσαιτο ἄλλῃ δ' ἔγρατ-  
 15 τα]ι ᾧ τάδε τὰ γράμματα ἔγ|[ρατται, τὰ] μ[ε]ν  
 χορήματα ἐπὶ τᾷ ματρὶ ἦμ|εν *x'* ἐπὶ τᾷ γυναικί, ὁ δ' ἀπο-  
 20 δόμενος ἢ καταθὲνς ἢ ἐπι||σπένσανς τῷ πριαμένῳ  
 ἢ καταθεμένῳ ἢ ἐπισπεν|σαμένῳ διπλῇ καταστα-  
 σεῖ καὶ τί *x'* ἄλλ' ἀτάσῃ τὸ | ἀπλόον· τῶν δὲ πρόθθαι μὴ ἔν-  
 25 δικον ἦμεν. αἶ δέ *x'* ὁ ἀντίμ|ολος ἀπομολῇ ἀνφὶ τὸ χρ-  
 εὸς ᾧ *x'* ἀνφιμολίωντι, μ|ῇ ἦμεν τῷς ματ[ρ]ὸς ἢ τᾷ-  
 30 ς γυναικὸς, μολῇν θπῃ *x'* ἐπ||ιβάλλῃ πὰρ τῷ δι[ε]αστῇ  
 ἢ **Φέκαστο** ἔγρατται. Αἶ δέ *x'* ἀ|ποθάνῃ μάτηρ τέκνα καταλιπό-  
 νσα, τὸν πατέρα καρτερὸν ἦμεν | τῶν ματρῶϊων, ἀποδόθθαι δὲ μὴ  
 35 μὴδὲ καταθέμεν, αἶ κα μὴ τὰ τέκ|να ἐπαινέσῃ δρομέες ἰόντε[ς].  
 α]ῖ δέ τις ἄλλῃ πρίατο ἢ κατὰ|θειτο, τὰ μὲν χορήματα ἐπὶ τοῖ-  
 40 ς τέκνοις ἦμεν, τῷ δὲ πριαμ||ένῳ ἢ καταθεμένῳ τὸν ἀποδ-  
 ὰμενον ἢ τὸν καταθέντα τάν | διπλείαν καταστᾶσαι τῷς τ-  
 ιμᾶς καὶ τί *x'* ἄλλ' ἀτάσῃ, τὸ δ|πλόον. αἶ δέ *x'* ἄλλαν ὀπυῖῃ, τὰ τ-

VI. 1. (δ)δ F.—23. ἀτάσῃ F., Blass; ἀτας ἦι C., BZ., BB.—31. **Φέκαστο** F., BB.; **Φεκάστω** C., BZ., Blass.—36. ἐπαινήσῃ C.—42. διπλήϊαν C.

<sup>1</sup> Continued from vol. I. of JOURNAL, p. 350.

## TRANSLATION.

As long as a father lives, no one shall purchase any of his property from a son, or take it on mortgage; but, whatever the son himself may have acquired or obtained by inheritance, he may sell if he will: nor shall the father sell or promise the property of his children, whatever they have themselves acquired or succeeded to, nor the husband that of his wife, nor the son that of the mother. And, if any one should purchase, or take on mortgage, or accept a promise, otherwise than as written in these writings, the property shall still belong to the mother and the wife, and the one who sold or mortgaged or promised shall pay to the one who bought, or accepted the mortgage or promise, two-fold, and, if he shall have caused any other loss, he shall pay one-fold in addition; but, as regards transactions under earlier laws, there shall be no ground for action. But, if the defendant shall contend in court, in relation to the matter about which they are disputing, that it does not belong to the mother or the wife, the case shall be adjudicated as is proper before the judge, as each thing is written. *Property Rights.*

If a mother die leaving children, the father shall be trustee of the mother's property, but he shall not sell or mortgage unless the children assent, being of age; and, if any one should otherwise purchase or take on mortgage, the property shall belong to the children; and to the purchaser or mortgagee the seller or mortgagor shall pay two-fold the value, and, if he shall have caused any other loss, one-fold. But, if he wed another wife, the children shall have control of the mother's property.

- 45 ἐκν[α τῶ]ν [μα]τρῶϊων καρτερὸν[ς] ἤμεν. Αἷ κ' ἐδ θυ(σ)[πραξίας] φέ-  
 ρ(α)[ται] ἐξ ἀλλοπολίας ὑπ' ἀν[άνκας] ἐχόμενος κ' ἐλο[μ]ένω τι-  
 50 ς λύσῃται ἐπὶ τῷ ἀλλυσαμένῳ||ψ ἤμεν πρίν κ' ἀποδῶ τὸ ἐπιθά-  
 λλον. αἱ δέ κα μὴ ὁμολογίωντ|ι ἀμφὶ τὰν πληθύν ἢ μὴ ἐλομέ-  
 ν]ω αὐτῷ λύσασθαι, τὸν δικασ|τὰν ὁμύνοντα κρίνεν πορτί τὰ  
 55 μ]ολιόμε[να]. οεκειθεροτ(?)ονΔΓ
- VII ἐπὶ τὰν ἐλευθέραν ἐλθὼν ὀπυῖη, | ἐλεύθερ' ἤμεν τὰ τέκνα, αἱ δέ κ' ἄ  
 ἐλευθέρα ἐπὶ τὸν δῶλον, δῶλ' ἤμεν τὰ τέκνα. αἱ δέ κ' ἐς τὰς αὐτ-  
 5 αῖς ματρὸς ἐλεύθερα καὶ δῶλα | τέκνα γένηται, ἢ κ' ἀποθάνη ἄ  
 μάτρη, αἷ κ' ἢ χρήματα, τὸν ἐλευθέρων ἐχεν· αἱ δ' ἐλευθεροί  
 10 μὴ ἐξέειν, τὸν ἐπιβαλλόν||ταν ἀναλῆθαι. Α[ἱ] κ' ἐξ ἀγ-  
 ορᾶς πρ[ι]ά[μενος] δῶλον μὴ π[ε]ραιώσῃ τῶν Φεξήχοντ' ἀμ-  
 ερῶν, αἷ τινά κα πρόθ' ἀδική|κη ἢ ὕστερον, τῷ πεπαμέν-  
 15 ψ ἔνδικον ἤμεν. Τὰμ πα[τ]ρ[ω]φ[ω]χ[ο]ν ὀπυῖσθαι ἀδελφι-  
 ῳ τῷ πατρὸς τῶν ἰόντων τῷ | πρετ[ε]στ[ω]· αἱ δέ κα πλῆες πατ-  
 20 ρωῶχοι ἔωντι κ' ἀδελφι[ο]ι τῷ πα||τρὸς[ς, τ]ῷ ἐπιπρεγίστῳ ὀπυῖ-  
 εσθαι· αἱ δέ κα μὴ ἔωντι ἀδελφι[ο]ι τῷ π[α]τρὸς, υἱέσδ δέ ἐξ ἀδελ-  
 φῶν, ὀπυῖσθαι ἰψ τῷ [έ]ς τῷ π[ρ]εγίστῳ· αἱ δέ κα πλῆες ἔωντ-  
 25 ι πατρωῶχοι κ' υἱέες ἐξ ἀδελφῶν, ἄλλω ὀπυῖσθαι τῷ ἐπ-  
 ἰ τῷ ἐς [τ]ῷ πρε[γ]ίστῳ. μίαν δ' | ἔχεν πατρ[ω]φ[ω]χον τὸν ἐπιθάλ-  
 30 λοντα, πλῆαδ δέ [μ]ή. ἄδ δέ κ' ἀν||ωρος ἢ ὁ ἐπιθάλλων ὀπυῖεν ἢ  
 ἄ πατρωῶχος, [σ]τέγαν μὲν αἷ | κ' ἢ ἔχεν τὰν πατρωῶχον, τᾷδ  
 δ' ἐπικαρπίας παντὸς τὰν ἡμίναν ἀπολαγχάνεν τὸν ἐπιθ-  
 35 ἄλλοντα ὀπυῖεν. αἱ δέ κ' ἀπό|δρομος ἰὼν ὁ ἐπιθάλλων ὀπυ-  
 ῖεν, ἡβίων ἡβίονσαν μὴ λῆ ὀπ[υ]ῖεν, ἐπὶ τῇ πατρωῶχψ ἤμε-  
 40 ν τὰ χρήματα πάντα καὶ τὸν κ||αρπὸν πρεῖν κ' ὀπυῖη· αἱ δέ κα  
 δρομεὺς ἰὼν ὁ ἐπιθάλλων ἡβίονσαν λείονσαν ὀπυῖε-  
 θαι μὴ λῆ ὀπυῖεν, μολῆν τὼς | καδεστάνς τὼς τῆς πατρω-

VI. 46-47. αἱ κ' ἐδδν . . . . . περ . . . ἐξ F.; αἱ κ' ἐδ θυ(σ)[μενία γαν]? περ(ᾱ)[ι  
 τε](ς) ἐκς C.; ἐδ θυ[σμενίανς] περα[ῶθξ] BB.; θυ(σ)[πραξίαν](?)—52. ἢ μὴ and space  
 for letter, F.; ἤμε[ν] C.; μῆδ(?)—55. οεκειθεροτ(?)ονΔΓ copy; [Αἱ δέ κ' ὁ ἐλεύθερος]  
 F.; ὁ ἐ(λ)ε(υ)θερωτὸς(ς) α(ι)[κ' C.; ὁ ἐκειῖθ' ἐρωτῶν α[ι κ'] BZ.; ὁ ἐκειῖθ' ἐροῖτον ἔ BB.

VII. 9. τὸνς C.—13. ἀδικηκῆ F.; ἀδικ' ἐκη ἢ ὕστερον C.; ἀδικήκη ἢ: so D., BZ.,  
 BB.—20. ἐπὶ πρεγίστῳ C.

If any one be brought out of misfortune from sojourn abroad (where he has been) held by force, and one have released him at his desire, he shall be in the power of the one who released him until he pay what is proper; but if they do not agree upon the amount, or he did not himself request (the other) to release him, the judge shall decide according to the pleadings. *Ransomed prisoners.*

If a free (?) man going to a free woman shall wed her, the children shall be free; but if the free woman to a slave, the children shall be slaves; and if from the same mother free and slave children be born, if the mother die and there be property, the free children shall have it; but, if free children should not be born of her, her relatives shall succeed to the property. *Miscegenation.*

If a person should purchase a slave from the market-place, and should not complete the transaction within 60 days, in case he shall have done any wrong before (the 60 days have expired) or after, there shall be ground for action against the one who has acquired him. *Responsibility for the acts of a slave.*

The heiress shall marry the brother of her father, the eldest of those living; and, if there be more heiresses and brothers of the father, they shall marry the eldest in succession. But if there be no brothers of the father, but sons from his brothers, she shall marry the first one from the eldest (brother); and if there be more heiresses and sons from brothers, they shall marry the sons of the eldest in succession. The groom-elect (relative to whom she belongs by right) shall have one heiress, but not more. As long as the groom-elect is too young to marry, or the heiress, a house, if there be one, the heiress shall have, but the groom-elect shall receive half of the income of all the property. And if the groom-elect be still under 17 but above puberty, and the heiress also, but he do not wish to marry her, all the property shall belong to the heiress, and the income, until he marry her. But if he, being of age (above 17), do not wish to marry the heiress, now of proper age and willing to marry him, the relatives of the heiress shall bring the matter to trial, and *Rights and Obligations of heiresses.*

45 ὥχω, ὁ δὲ [δ]ικα[σ]τ[άς] δικ[αξά]τω ὀπιέν ἐν τοῖ[ς] δ[υ]οῖς μη-  
 νσί· αἱ δὲ κα μὴ ὀπιή, ᾧ ἔγρα|ται, τὰ χρήματα πάντ' ἔχουσα-  
 50 ν αἶ κ' ᾗ ἄλλος, τῷ ἐπιβάλλοντ|ι, αἱ δ' ἐπιβάλλων μὴ εἶη, τᾶς  
 φυλαῖς τῶν αἰτιόντων ὅτιμ|ι κα λῆ ὀπιέσθαι. αἱ δὲ κα τῶ-  
 ι ἐπιβάλλοντι ἡθίονσα μὴ λῆ|ι ὀπιέσθαι ἢ ἄνωρος ᾗ ὁ ἐπι-  
 βάλλ[λ]ων [κα]ἰ μ[ὴ λῆ μέν]εν

## VIII

ἀ πατρὺς ὧχος, στέγαμ μὲν | αἶ κ' ᾗ ἐν πόλι τάμ πατρὺς ὧχο-  
 ν ἔχεν κ' ἄτι κ' ἐνῇ ἐν τᾷ στέγ|ῳ, τῶν δ' ἄλλων τὰν ἡμίσαν δ-  
 5 ιαλαχόνσαν ἄλλῳ ὀπιέσθ|αι τᾶς φυλαῖς τῶν αἰτιόντων  
 ὅτιμ|ι κα λῆ· ἀποδατῆθαι δ|ὲ τῶν χρημάτων ἰῶ. αἱ δὲ μὴ  
 10 εἶεν ἐπιβάλλοντες ταῖ (παι) π||ατρὺς ὧχ|ω ἄ[ι] ἐ[γ]ρατται, τὰ χρ-  
 ῆματα πάντ' ἔχ[ον]σαν τᾶς φυλαῖς ὀπιέσθ[α]ι· ὅτιμ|ι κα λῆ.  
 αἱ δὲ τᾶς φυλ[ᾶ]ς μήτις λε|ίοι ὀ[π]υέν, τῶς καθεστάνς  
 15 τῶς τᾶς πατρὺς ὧχ|ω Fε[ῖ](π)αι κ|ατὰ [τὰν φυλ]άν, ὅτι οὐ (λ)[ῆ] ὀ[π]υ-  
 ἰέν τις; καὶ μὲν τίς [κ' ὀ]πιή, ἐ|ν ταῖς τριάκοντα, ἡ κα Fεῖπων-  
 20 τι· αἱ δὲ μ(ῆ), ἄλλῳ ὀπιέσθαι ὅτιμ|ι κα νύναται. αἱ δὲ κα πατρὸς  
 δόντος ἢ ἀδελφίῳ πατρὺς ὧχ|ος γένηται, αἱ λείοντος ὀ-  
 πιέν ᾧ ἔδωκαν, μὴ λείοι ὀπιέσθαι, αἶ κ' ἐς τετεκνωται, δια-  
 25 λαχόνσαν τῶν χρημάτων ᾧ ἔγρατται, [ἄλλ]ῳ ὀπιέ[σθαι τᾶ]ς φ-  
 υλ[ᾶ]ς· αἱ δὲ τέκνα μὴ εἶη, πάντ' | ἔχ[ον]σ[αν] τῷ ἐπιβάλλον[τ]ι ὀπυ-  
 30 ἰέσθαι αἶ κ' ᾗ, αἱ δὲ μῆ, ᾧ ἔγραττ|αι. ἀνὴρ αἱ ἀποθάνοι πατρὺς  
 ὧχ|ω τέκνα καταλιπών, αἶ κα [λ]ῆ | ὀπιέσθω τᾶς φυλαῖς ὅτιμ|ι κα ν-  
 ύναται, ἀνάνκα δὲ μῆ· αἱ δὲ τέκνα μὴ καταλίποι ὁ ἀποθανών,  
 35 ὀπιέσθαι τῷ ἐπιβάλλοντι ᾧ|ι ἔγρατται. αἱ δ' ὁ ἐπιβάλλων τ-  
 ἄν πατρὺς ὧχ|ον ὀπιέν μὴ ἐπ|ίδαμος εἶη, ἁ δὲ πατρὺς ὧχος  
 40 ὠρίμα εἶη, τῷ ἐπιβάλλοντι ὀ||πιέσθαι ᾧ ἔγρατται. πατρὺς ὧ-  
 χον δ' ἡμεν, αἶ κα πατὴρ μὴ ᾗ ἢ ἁ|δελφὸς ἐς τῷ ἀβ[τῶ] πατρός, τῶν  
 δὲ χρημάτ[ων] κα|ροτερὸνς ἡμεν τ|ᾶς Fερ[γ]α[σ]ία[ς] τῶς πατρώας

VII. 45. δικαδδέτω C.—51. ὅτιμ|ι: so C.; ὅτιμ F.—55. ὀπιέν [ῆ? F.; [ὀπ]ό(κα)  
 [ἐτ' ἡβησ]εν C.; μέν]εν BZ., BB.

VIII. 4. ἡμί(ν)αν C.—9. π(αι)ατρ. F.; τᾶι πατρὺς ὧκω C.—15—16. ε . . . αι κατα . . . .  
 ανοτιο . . . . ὀπιέν F.; text C.—17. τις? [ὀ]πιή F.; τίς [κ' ὀ]πιή C.—20, 32. νύναται  
 F., BZ., BB.; κ' ἀνύναται C.—21. δόντος F.; δόντος C., BZ., BB.—38. ἐπιδαμώσσει C.—  
 41. ἁ C.—ῆ: so C.; εἶη F.

the judge shall order him to marry her within two months; and, if he do not marry as is written, she with all the property shall wed the next in the succession, if there be another; but, if there be none, she may marry any one she wishes, of the tribe, that may demand her hand.

And if she, being of age to marry, do not wish to marry the groom-elect, or the groom-elect be too young and the heiress do not wish to wait, a house, if there be one in the city, the heiress shall have, and whatever there is in the house, but, sharing half of the remaining property, she may marry another, whomsoever she wish of her tribe demanding her hand; and they shall portion off (the half) of the property to the first one.

If the heiress should have no kinsmen within the limits prescribed, holding all the property she may marry any one of the tribe she wishes. But, if no one of the tribe desire to marry her, the relatives of the heiress shall proclaim throughout the tribe "Does no one wish to marry her?" and, if any one will marry her, (it shall be) within the 30 days, as they shall have declared; and, if not, she shall wed another, whomsoever she may be able to.

If she become an heiress after her father or brother shall have given her in marriage, in case she do not wish to marry the one to whom they gave her, though he be willing, if she have borne children, sharing (with him) the property as is written, she shall wed another of the tribe; but, if she have no children, with all the property she shall marry the groom-elect if there be one, but, if not, as is written.

In case a husband should die leaving children to an heiress, if she wish, let her wed any one of the tribe she may be able to, but it is not compulsory. If the deceased should leave no children, she shall marry the groom-elect as is written. If the one to whom it falls to marry the heiress should not be in the country, and the heiress be of age to marry, she shall wed the (next) in succession as is written. She shall be an heiress if she have no father, or brother from the same father, and the father's relatives shall have control of the work-

45 καὶ τὰς ἐπικαρπίας δι[αλ]α[νχά]ν|εν [τ]ὰν ἡμίναν, ἄς κ' [ἄνωρο]ς ἤ.  
αὶ δ' ἀν[ώ]ρφ ιδίττα μὴ εἶη ἐπ[ι]βάλλων, τὰν πατρῶχον καρ-  
50 τεράν ἤ[μ]εν τῶν τε χρημάτων κ|αὶ τῷ καρπῷ, κᾶς κ' ἄν[ω]ρος ἡ, τ-  
ρόφειθαι [πᾶ]ρ τᾷ ματρὶ. αὶ δὲ μ[ά]τηρ μὴ [εἶη, πᾶρ τ(ο)ῖς μ]άτρωσι  
τράφειθ[αι]. αὶ δέ τις ὀπυῖοι τὰν πατρῶχον ἄλλα δ' [ἔγ]ρατται  
- - - - -

## IX

τὸνς ἐπιβα[λλόντανς, αἱ κ' | ἀποθανών τις πα[τρ]ῶχον κα-  
ταλίπη, ἣ ἀν[τ]ὸνς τὰ χροήματα | ἀρτύεν ἢ πᾶρ τὸ]νς ματρῶαν-  
5 ς καταθέμεν· [αὶ δ' ἄλλω ἀπόδοιντο | ἢ καταθεῖεν, μὴ] δικαίαν ἤμεν τ-  
ὰν ὠνὰν καὶ τὰν κα[τά]θεισιν· αὶ δ' | ἄλλος πρί[αὐτὸ] τις χροήματα ἢ  
10 κατάθειτο τῶν τᾶς πα[τρ]ῶχῳ, τ||ᾶ [μ]ὲν [χρῶ]ματα ἐπὶ τᾷ πατρῶχῳ-  
φ ἤμεν, ὁ δ' ἀποδόμενος ἢ κατ[α]θὲνς τῷ πριαμένῳ ἢ καταθε-  
μένῳ, αἱ κα νικαθῇ, διπλῇ κα[τα]στασεῖ, καὶ τί κ' ἄλλ' ἀτάσῃ τ-  
15 ὁ ἀπλόον ἐπικαταστασεῖ, ἃ|ε [τά]δε τὰ γ[ράμ]ματ[α] ἐγγρατται· τ-  
ῶν δ] ἐ πρόθα [μὴ ἔν]δικον ἤμεν. | αὶ δ' ὁ ἀντίμολος ἀπομ[ολ]ί[ο]-  
20 ι ἀ[νφ]ι τὸ χρέος, ῥ' κ' ἀνφιμολί|ωντι, μὴ τᾶς πατρῶχῳ [ἤ]μεν,  
ὁ δ[ικ]αστὰς ὁμὺνς κρινέτω· αὶ | δὲ νικάσαι, μὴ τᾶς πατρ[ῶ]χῳ-  
ω ἤ[μ]εν, μολῇν ὅπῃ κ' ἐπιβάλλῃ ἢ | **Φ**έκαστο ἐγγρατται. Αἱ δ[ανδ]εξ-  
25 ἀ[μ]ενος ἢ νενικαμέν[ος] ἢ ἐνκ|οιωτὰνς ὀφέλω[ν] ἢ διαβαλὸ[μ]ε-  
νος ἢ δια**Φ**επάμενος ἀπο[θ]ά|νοι, ἢ τούτῳ ἄλλος, ἐπιμολ-  
30 ισά(τ)ω πρὸ τῷ ἐνιωτῷ, ὁ δὲ δικα|στὰς δικαδδέτω πορτὶ τὰ [ἀ]ποφ-  
ωνιόμενα, αὶ μὲν κα νίκας ἐπ[ι]μολῇ, ὁ δικαστὰς κ' ὁ μνάμων  
αἱ κα δώῃ καὶ πολιατεύῃ, οἱ δὲ μ[αί]τυρες οἱ ἐπιβάλλοντες· ἀνδοχ-

VIII. 45. τ[α]ς [αἱ]ς [δ' ἐπικαρπ]ίας C.—52. μὴ [ἡ πᾶρ] τοῖς μ[α]τρῶσι C.; [εἰη ἐ]πὶ μάτρωσι F.—55. ἰε[θ]ω ἐ[ναν]τι κόσ[μ]ω. C.

VIII. 55.—IX. 1-8. (?) ιε ? ? ? . . . τι κοσ ? || τὸνς ἐπιβα[λλόντανς] ἔκιν τὰ κ[α]ρῆματα . αὶ κα πα[τρ]οῖδον κα[τα]λίπε, ἔ ἀν[τ]οι κρέματ' ἐκοντι, | τὸς πατρώας καὶ τὸ]νς ματρώας καταθέμεν [καὶ ἀποδοῖαι τὸν || **Φ**ὸν αὐτὸν καὶ] δικαίαν ἔμεν τ[ὰν] ὄνὰν καὶ τὰν κα[τά]θεισιν. ἄλλω δ' αὖ πρί[αὐτο] BB.

IX. 1-2. ἐπιβα[λλόντανς, αἱ κα πατήρ ἢ ἀδελπιδὸς πα[τρ]ωῖκον C.—3-4. αὐ[τῶν] μὴ ἰόντων, τὸνς πατρώας καὶ τὸ]νς C.—5-6. [ἢ ἀποδοῖαι τὰ κρήματ' αἱ κ' ἡ καὶ] C.—7-8. κα[τά]θεισιν, αὶ δ' ἄλλαι πρί[αὐτο] C.—14. ἄτας ἡ C.—17. το[ῖδ] ἐ C.—24. **Φ**εκάσω C.—25. νενικαμέν[ος] οἰότανς F.; [ς τις] C.; [ἢ ἐνκ]οιωτὰνς Blass, BB.—ὀπέλων BB., Blass.—28-29. ἐπιμολῆσαι (τ)ῷ πρώτῳ F.; ἐπιμολ(έν) αἱ ὁ πρώτῳ C.; ἐπιμολησάτω πρὸ τῷ Blass, BB.—32. ἐπιμολῇ ὁ δικαστὰς C.—34-35. ἀνδοχᾶ(δ) δ' ἔχεν κ' οἰοτᾶν F.; ἀνδοκα δ' ἔκιν κ' οἰοτᾶν, καὶ διὰ βωλᾶς C.; text Blass, BB.



ing of the property, and share half the proceeds, as long as she is unmarriageable. In case there be no groom-elect while she is unmarriageable, the heiress shall have possession of the property and the income, and as long as she is unmarriageable she shall be brought up by her mother ; but, if she have no mother, she shall be brought up among her mother's relatives. And if any one should marry an heiress, while it is written otherwise . . .

If any one dying leave an heiress, the kinsmen shall either themselves manage the property or mortgage it among the mother's relatives ; and, if they should sell or mortgage it to any other, the sale and mortgage shall not be legal ; and, if anyone else should purchase the property or take a mortgage (on any part) of that of the heiress, the property shall belong to the heiress, and the seller or mortgagor to the buyer or mortgagee, if he be convicted, shall pay double, and if he have done any further harm, he shall pay an equivalent besides, as these writings are written ; but, in case of previous transactions, there shall not be ground for action. But, if the defendant should contend, in relation to the thing about which they are disputing, that it does not belong to the heiress, let the judge under oath decide ; and, if he should gain his case, to the effect that it does not belong to the heiress, suit (for ownership) shall be tried, as is proper, according as each thing is written.

If a person should die who has become a surety, or lost a suit, or owes a loan, or has defrauded any one, or has entered into an agreement, or another (hold like relations) towards him, the case shall be reviewed before the close of the year, and the judge shall decide according to the testimony ; if indeed the case be renewed in relation to a judgment (against the deceased), the judge and the clerk of the court, if he be alive and a citizen, and the witnesses who are

*Actions in  
some special  
cases.*

- 35 ἄ(δ) δὲ κ' ἐνκοιωτῶν καὶ διαβολῶς καὶ διρρήσιος, μαίτυρες οἱ ἐπιβ-  
 ἄλλοντες ἀποφωνιόντων. ἡ δὲ κ' ἀποφείποντι, δικαδδέτω ὁμό-  
 40 σας τὰ αὐτῶν καὶ τὸν μαίτῶραν νιχῶν τὸ ἀπλόον. Ἰϋς α-  
 ἱ κ' ἀνδέξῃται ἄς κ' ὁ πατῆ(δ) δῶη, | αὐτὸν ἀλῆθαι καὶ τὰ χορήματα  
 ἀτι κα πέπαται. Αἶ τίς κα πέρα|ε συνπλ(ε)[ίχ]ση ἡ ἐς πέρ[αν] ἐπι-  
 45 θέντι μὴ ἀποδιδῶ, αἱ μὲν κ' ἀποφωνιώντι μαίτυρες ἡβίοντ-  
 ες, τῷ ἑκατονστατήρῳ καὶ πλίονος τρέες, τῷ μείονος μέττ' ἐ-  
 50 ς τὸ δεκαστάτηρον δ[ύ]ο, τῷ μεί|ονο[ς] ἔ|να, δικαδδέτω πορ[τ]ῖ τὰ  
 ἀποφω[ν]ιόμενα· αἱ δὲ μαί[τ]υρε[ς] μὴ [ἀπ]ο[φ]ωνίοιεν, ἡ κ' ἔ[λ]θη ὁ συ-  
 ναλλάξ[α]ν[ς], ὅτερόν κα ἔλη[τα]ι ὁ | μενφό[μ]ενος ἡ ἀπομόσαι ἡ συν-

## X

- 11 χρεος - - - - - [ἀ]ποδόν-  
 τανς το - - - - - Ματρὶ  
 15 δ' υἱ[ν] ἡ ἀνδρα γυναικὶ δόμεν ἔ|κατὸν στατήρα[νς] ἡ μ[ε]ῖον, π-  
 λῖον δὲ μή· αἱ δὲ πλῖα δοίη, αἶ | κα λείωντ' οἱ ἐπιβάλλοντες τ-  
 20 ὄν ἀργυρον ἀποδόντες τὰ χρ[ο]ήματ' ἐχόντων. Αἱ δὲ τις ὀφέ-  
 λων ἀργυρον ἡ ἀταμένος ἡ μ[ε]λοιομένης δίκας δοίη, αἱ  
 μὴ εἴη τὰ λοιπὰ ἄξια τῆς ἀ|τας, μηδὲν ἐς χρεός ἦμεν τῶν  
 25 δόσιν. \*Αντρω[π]ον μὴ ὠνῆθαι[ε] κατακείμενον, πρὶν κ' ἀλλύσ-  
 ηται ὁ καταθένης, μηδ' ἀμφίμο|λον, μηδὲ δεξάθαι μηδ' ἐπισ-  
 30 πένσασθαι μηδὲ καταθέθαι· αἱ || δὲ τις τούτων τι φέρει, μηδ-  
 ἐν ἐς χρεός ἦμεν, αἱ ἀποφωνίοιεν δύο μαίτυρε[ς].  
 \*Ανφανσιν ἦμεν ὅπω κά τιλ | λῆ. ἀμφαίνεθαι δὲ κατ' ἀγοράν  
 35 καταφελμένον τῷ πολιατῶν ἀπὸ τῷ λάω ὃ ἀπαγορεύονται.  
 ὁ δ' ἀμφανόμενος δότω τῷ|ε ἑταιρείᾳ τῇ φῆ αὐτῷ ἱαρε-

IX. 37. ἡ: so C.; ἡ F., BZ., BB.—38. ὁμόσαντα αὐτὸν BZ., Blass.—42. (ἀγ)ῆθαι C., BZ., BB.; ἀγῆθαι Blass.—43–44. περα . . . . . ἐπιθέντι F.; πήραι συ[ναλλάκ]ση ἡ ἐς πῆρ(αν) ἐπιθέντι C.; συ[ναλ]λ[άκ]σα[ν]τι ἔ ἐς π[έ]ρ[ας] BZ.; συνπλη[ρῶ]ση ἡ ἐς πέρ[αι] Blass.; συνα(λ)λ[άκ]σε ἔ ἐς πέρ[α]ς BB.—48. μῆττες C.—49. τὸ(δ) F.; τὸ C.—50. μεί-  
 ονο(δ) (δ' ἐ)ν(ς) C.—52–53. ἔ[λ]θῃ ὁ συναλλάξ[α]ν[ς]. στερων [ἀν ?]ελέ[θαι] F.; ἔ[λ]θῃ  
 ὁ συναλλάκ[α]ν[ς] ὅτερον (μ)ῇ λῆι, (ἀ)ι C.; text, Blass.

X. 10–14. BB. insert the fragment found by Halbherr: [στατέρο]ν || κρεός . [τῶς  
 δ' ἐπ]ιβα[λλόν]τανς, | αἱ ὁ ἀνὲρ π[λ]ία δ[ο]ίῃ, ἀ[π]οδόν[τ]ανς τὸ[ν] ἀργύρ[ον] [ἔ]κεν τὰ κρ[έ]ματα,  
 αἱ κ[α] λῆι[δ]οντι.—14–15. πᾶρ | ματρὶ δ' υἱ(ς) [αἱ κα λῆι, καταθέμεν] C.—21. ἀτάμενος, F.,  
 C.; ἀταμένος BZ., BB., Blass.; -ἐμωλιόμενας C.—26. κατῆνται F.; κ' ἀρτύ(σ)ηται C.;  
 text BB.—33. ὁπόκα C.—36. λαῶ ὁ ἀπαγορεύονται C.—39. ἱαρίων κα προκόων C.

heirs (shall testify); while in a case of surety, and loans, and fraud, and agreement, the heirs shall testify as witnesses; but, if they refuse, let the judge under oath pass upon their case and declare that (their opponents) have judgment against the witnesses in the amount in question. If a son should become surety while his father is living, he shall be held, himself and the property which he owns.

If any one have a dispute about a venture at sea, or do not reimburse one who has contributed to a venture, should witnesses of age testify,—3 in a case of 100 staters or more, 2 in a case of less down to 10 staters, 1 for still less,—let the judge decide according to the testimony; but, if witnesses do not depose, in case the contracting party comes, whichever of the two courses the complainant may choose, either to make oath of denial, or . . .

A son may give to a mother or a husband to a wife 100 staters or less, but not more; if he should give more, his heirs shall have the property, (only) paying the money if they wish. *Legality of Gifts.*

If any one owing money, or under obligation for damages, or during the progress of a suit, should give away anything, unless the rest of his property be equal to the obligation, the gift shall be null and void.

One shall not buy a man while mortgaged until the mortgagor release him, nor one in dispute, nor accept him (as a gift), nor accept a promise or mortgage upon him; and, if one should do any one of these things, it shall be void if 2 witnesses should testify.

Adoption may take place whence one will; and the declaration shall be made in the market-place, when the citizens are gathered, from the stone from which proclamations are made. *Adoption.*  
And let the adopter give to his *hetaireia* a victim and a *prochoös*

- 40 Ἴον καὶ πρόχοον **Φοίνω**. καὶ || μέν κ' ἀνέληται πάντα τὰ χρή-  
ματα καὶ μὴ συννῇ γνήσια τ|έκνα, τέλλεμ μὲν τὰ θῖνα καὶ  
τὰ ἀντρώπινα τὰ τῷ ἀφαναμέ|νω κ' ἀναλῆθαι ἥπερ τοῖς γ-  
45 νησίοις ἔγ[ρ]ατται· αἱ [δ]έ κ[α μ]ῇ | λῆ τέλλεν ἃ ἔγρατται, τὰ χ[ρ]ή-  
ματα τὸνς ἐπιβαλλόντανς ἔχε|ν. αἱ δέ κ' ἡ γνήσ[ε]α τέκνα τῷ ἀν-  
50 φαναμένω πεδὰ μὲν τῶν ἐρσ||ένων τὸν ἀφαντὸν ἥπερ αἱ θ-  
ῆ[λε]|αι ἀπὸ τῶν ἀδελφιῶν λανχά|νοντι. αἱ δέ κ' ἔρσενες μὴ ἕων-  
τι, θήλειαι δέ, **[F]ισΦόμοιρον** ἡ-  
XI μεν τ|ὸν ἀφαντὸν καὶ μὴ ἐ|πάνανκον ἡμεν τέλλεν τ[ὰ τ-  
ῷ ἀν]φαναμένω καὶ τὰ χρήμα|τ' ἀναλῆθαι, αἱ κα κατα|λίπ-  
5 ἡ ὁ ἀν]φανάμενος, πλίνι δέ τὸν | ἀφαντὸμ μὴ ἐπιχωρῇν. [αἱ δ'  
ἀπο]θάνοι ὁ ἀφαντὸς γνήσια | τέκνα μὴ καταλιπών, πὰρ τὸ[νς τ-  
10 ῷ ἀν]φαναμένω ἐπιβαλλόνταν||ς ἀνχωρῇν τὰ χρήματα. αἱ δ[έ κα  
λῆ?], ὁ ἀφανάμενος ἀπο**Φει**π|άθθω κατ' ἀγοράν ἀπὸ τῷ λδ[ω, ὧ  
ἀπα]γορεύοντι, κατα**Φε**λμέν|ων τῶν πολιταῶν. ἀνθέμε[ν δέ  
15 δέκα σ]τατήρανς ἐδ δικαστ|ήριον, ὁ δέ μνάντων π[ρ]ὸ ξεν-  
ίω ἀποδότω τῷ ἀπορρηθέντι. | γυνὰ δέ μὴ ἀμφανέθθω μηδ'  
20 ἀνηθος. χοῖθαι δέ τοῖδδε ἥ||ε τάδε τὰ γράμματα ἔγραψε,  
τῶν δέ πρόθθα ὅπα τις ἔχῃ ἡ ἀ|μφαντυῖ ἡ πὰρ ἀφαντῷ μὴ ἔτ' ἔ-  
νδικον ἡμεν. | Ἄνθρωπον ὅς κ' ἄγῃ πρὸ δίκας,  
25 αἰεὶ ἐπιδέχεται. | Τὸν δικαστάν, ὅτι μὲν κατὰ  
ματύρανς ἔγρατται δικάδδ|εν ἡ ἀπώμοτον, δικάδδδεν ἃ ἔ-  
30 γρατται, τῶν δ' ἄλλων ὁμύντ||α κρίνεν πορτί τὰ μολιόμεν-  
α. Αἷ κ' ἀποθάνῃ ἀργυρον | ὀφέλων ἡ νενικαμένος, αἱ μέ-  
ν κα λείωντι οἷς κ' ἐπιβάλλῃ | ἀναλῆθαι τὰ χρήματα, τὰν ἄ-  
35 ταν ὑπερκατιστάμεν καὶ τὸ | ἀργύριον οἷς κ' ὀφέλῃ, ἐχόντ-  
ων τὰ χρήματα· αἱ δέ κα μὴ λεί|ωντι, τὰ μὲν χρήματα ἐπὶ τοῖ-  
40 ς νικάσανσι ἡμεν ἡ οἷς κ' ὀ||φέλῃ τὸ ἀργύριον, ἄλλαν δέ  
μηδεμίαν ἄταν ἡμεν τοῖς ἐπιβάλλουσι. ἀ[λ]ῆθαι δέ ὅ-

X. 50. αἵπερ F.; αἵπερ C.—53. ἔχεν F.; ἡ[μεν τ]ὸν C.

XI. 4. ἀναλ(ή)θαι C.—πλίνι F.; πλίνι C.—6. [αἱ δέ κ'] F.; [αἱ κ'] C.—10. αἱ  
δ[έ μὴ λῆνι] ὁ C.—12. λα[τῷ ὁ C.—14—15. ἀνθέμ[εν . . . . σ]τατήρανς C.; ἀναθέμε[ν δέ  
. . . . σ]ατήρανς F.—16. ὁ τῷ κσενίω C.—22. ἀμπάντινι C.; ἀμφαντυῖ F.—24. κα λῆι C.—  
25. αἱ ἡ, F.; αἰεὶ: so C.—42. α[ιλ]ῆθαι F.; ἀ[γ]έθαι C.

of wine. And if he (the adopted) receive all the property and there be no legitimate children, he shall fulfil all the divine and human obligations of his adoptive father, and receive as is written for legitimate children; but, if he be not willing to do as is written, the kinsmen shall have the property. If there be legitimate children of the adoptive father, the adopted son shall receive with the males just as the females receive from the brothers. But, if there be no males, but females, the adopted son shall have an equal share, and it shall not be compulsory upon him to pay the obligations of the adopter and accept the property which the adopter leaves, for the adopted shall succeed to no more (than an equal share with the daughters). If the adopted son should die without leaving legitimate children, the property shall return to the heirs of the adopter. If he wish, the adopter may renounce him in the market-place, from the stone from which proclamations are made, when the citizens are gathered. And he shall deposit ten (?) staters with the court, and the clerk of the court shall pay it to the person renounced as a parting gift of hospitality. A woman shall not adopt, nor a person under puberty. These things shall (now) be transacted as (the law-giver) has written these writings, but in previous cases, however one hold (property), whether by adoption or from an adopted son, it shall still not be void.

If one take action by seizure against a man before trial, (the defendant) shall always receive him under his surety. *Supplemental provisions.*

Whatever is written for the judge to decide according to witnesses or by oath of denial, he shall decide as is written, but touching other matters he shall decide under oath according to the pleadings.

If a person die owing money or having a judgment against him, if those to whom it belongs to receive the property desire, they can pay the damages in behalf of the deceased, and the money to whom it is owing, and then have the property; but, if they do not wish to do so, the property shall belong to those who have won the suit or to those to whom the money is owing, and there shall be no other

πὲρ μ[ε]ν τῷ [πα]τρὸς τὰ πατρὶ|ᾶ, ὑπὲ(δ) δὲ τᾶς ματρὸς τὰ μα-  
 45 τρώϊα. | Γυνὰ ἀνδρὸς ἃ κα κρίνεται,  
 ὁ δικαστὰς ὄρκον αἶ κα δικάσ|ση, ἐν ταῖς **Εἰ**κατι ἡμέραις ἀ-  
 50 πομοσάτω παρίοντος τῷ δικα||στᾶ· ὅτι κ' ἐπικαλῇ προ**Ε**[ε]πάτ-  
 ω [ὁ κατ?]ἀρχων τᾶ(δ) δίκας τᾶ γυνα|ικὴ καὶ τῷ δικαστᾶ καὶ [τ]ῷ  
 [μυάμ]ου προτέταρτον ἀντὶ μ-

## XII

[αὐτόρων] - - - - -  
 15 **Μα**τρὶ υἱὸς ἦ ἀ[ν]ήρ γυναικὶ | χρήματα αἶ ἔδωκε ἃ ἔγρατ-  
 το πρὸ τῶνδε τῶν γραμμάτων | μὴ ἔνδικον ἦμεν, τὸ δ' ὅστε-  
 20 ρον διδόμεν ἃ ἔγρατται. || Ταῖς πατρὶ|ώχοις αἶ κα μὴ  
 ἔωντι ὀφαναδικασταὶ δ[ι]ς κ' ἄνωροι ἔωντι, χρῆθαι κατὰ  
 τὰ ἐγγραμμένα. ὅπη δὲ κα | πατρ[ω]ῶχος, μὴ ἰόντος ἐπι-  
 25 θάλλοντος μηδ' ὀφαναδικαστῶν, πὰρ τᾶ ματρὶ τράφη-  
 ται, τὸν πάτρωα καὶ τὸμ μᾶτ|ρωα τὸν ἐγγραμμένον τ-  
 30 ἂ χρήματα καὶ τὰν ἐπικαρπὶ||αν ἀρτύνει ὅπη κ' ἀνῶνται κά-  
 λιστα πρίν κ' ὀπυίηται. ὀπυί|εθαι δὲ θυωδεκα**Ε**τεία ἦ πρεί-  
 γονα.

XI. 47. ὄρκων C.—48. δικάσῃ ἐν τ. F. ἡμέραις, C.—49. δικαστᾶ, C.—51. [τὸν δ'] ἄρκοντα δίκας C.; [τὸ ἐπ']ἄρκον BZ.; [δ' ὁ ἐπ']ἄρκων BB.—53. προτέταρτον: so C.; πρὸ τετάρτων F.

XII. 15. υἱὸς C.—23. ὅπη: so C.; ὅπη[ι] F.—30. κα (νύ)νανται F., BZ., BB.; κ' ἀνανταῖ C.

## COMMENT.

**COLUMN VI.** 13. πρίαιτο ἢ κατάρχειτο: πριάμενοι καὶ θέμενοι, Is. 5, 21; Dem. 1249; Ditt. S. I. G. 63, 40.

14. ἄλλα . . . ἔγρατται: A clumsy expression indeed (cf. viii, 54; Cauer, 119, 42).

33. At Athens the property, whether of mother or father deceased, fell to the sons as soon as they became of age; until that time it was administered by their guardians. Here the father, if living, still retains control of it after they are above 17, unless a stepmother is brought into the family (vi, 45), in which case Charondas also put a stigma upon the father (Diod. xii, 14).

46—47. **δυσπραξίας**: τὴν τούτου συμφέραν . . . συναχθεσθεις ἐπὶ τῇ ἀτυχίᾳ τῇ τούτου, of Nikostratos ransomed from slavery by Apollodoros, Dem. 1248.

loss to the heirs-at-law. The property of the father may be seized in behalf of the father, as also the mother's in behalf of the mother.

If a wife be separated from her husband, in case the judge decide upon an oath, let her take the oath of denial within 20 days in the presence of the judge: whatever he charges let the beginner of the suit announce to the woman and the judge and the clerk of the court, 4 days before in the presence of witnesses . . .

If a son have given property to his mother, or a husband to his wife, as was written before these writings, it shall not be illegal; but, hereafter, gifts shall be made as here written.

If heiresses have no *orphanodikastai* while they are unmarried, they shall be treated as written. And where, in default of a groom-elect or *orphanodikastai*, an heiress is brought up by the mother, the father's and mother's relatives that have been described shall manage the property and the income as they can best increase them until she marry. And she shall marry at 12 years or older.

---

The Athenian law was, τοῦ λυσαμένου ἐκ τῶν πολεμίων εἶναι τὸν λυθέντα, ἐὰν μὴ ἀποδιδῶ τὰ λύτρα, Dem. 1250. I feel no confidence that the correct reading has yet been recovered here.—ἀλλοπολίας: cf. ἀλλοθημία [so C.]—ὅπ' ἀνάνκας ἐχόμενος: ὅπ' ἀνάγκης ἢ ὑπὸ δεσμοῦ καταληφθεῖς = ὅπδ ἀνάγκης τινὸς καταληφθέντα, Dem. 1133, 14–16; Od. δ 557.—ἐλομένω: cf. Suidas, Φαίδων· ἐντυχὼν δὲ Σωκράτει ἡράσθη τῶν λόγων αὐτοῦ καὶ αἰτεῖ λύσασθαι.

52. τὰν πληθὺν: τὸ πληθὺς τοῦ ἀργυρίου, Cauer, 121, C. 36.

55. The reading here, as given by the copy, is so strange that it is impossible to determine what is meant. Attention is drawn by BZ. to the contrast between the groom's "going" to the free woman (vii, 1), and the free woman to the slave, as implying a difference of condition dependent on the house maintained or accepted by the free woman; and the Roman law, and examples from the "Syr.-Rom. Rechtsbuch," are cited to show a somewhat similar regulation elsewhere.

COLUMN VII. 3. Cf. ἡ γυνὴ πρὶν ὡς Ἐφοβον ἐλθεῖν, of marriage, Dem. 873. 9. ἐξεῖν: Hm. ν, 130: ἐξῆν· ἐξεγένοντο, Hesych.

12. περαιώση: περαιωθῆναι· τελειωθῆναι, Hesych. Plato, Legg. 849. E. discountenances all credits, like the Thurians, Stob. II. Nom. 22. Cf. Plato, Legg. 936 D. E. [Non lasci passare, C.; ne l'a pas vendu, D.; nicht Ziel setzen lässt, BZ.; ins Ausland verkauft, Blass, BB.]

16. The law was the same at Athens (though sometimes violated, Is. 10, 5). The obligation to marry, however, did not cease with the father's brothers and sons, but was determined simply by the laws of consanguinity, Is. 1, 39, 3, 64, 10, 5; Plato, Legg. 924. If the heiress was poor, the next of kin could refuse to marry her, but was bound to give her a marriage-portion corresponding to his own fortune. "Regulations concerning heiresses were an object of chief importance in the ancient legislations, on account of their anxiety for the maintenance of families, as in that of Androdamos of Rhegium (Arist. Pol. II. 12, 14), and in the code of Solon (Plut. Sol. 20), with which the Chalcidean laws of Charondas appear to have agreed in all essential points (Diod. XII, 18)." (Müller, Dorians, III, 10, 4; Eng. ed.). Likewise the Spartan and many others, Aryan and non-Aryan. In the event of several heiresses, the Athenian law gave each an equal share in the property, as our code does, and they were severally married to relatives, the nearest having the first choice (Smith, *Dict. Antiq.*, "Epiclerus"). But, if the heiresses were poor (θῆτες), only one need be wedded or portioned (Dem. 1068).

23. ἰψ̄: Used by Hm. in a series, like πρῶτος; π 173, § 435-6; BB.

27. μίαν: This seems added in consequence of the inadequate and clumsy expression of the preceding clause. [A second heiress cannot be married by the same person, if the first one has died. C.]

30. δ ἐπιβάλλον ὀπυῖεν: For this technical expression Herodotos (VI, 57), speaking of Sparta, uses ἐς τὸν ἰκνέεται ἔχειν; Pollux (3, 33), ὁ ταύτη προσήκων, and Andokides (Myst. 117), of the heiresses, αἱ ἐγγίγοντο εἰς τε ἐμὲ καὶ Λέαγον: cf. εἴτε κατὰ δόσιν αὐτῶ προσήκεν εἴτε κατὰ γένος, Dem. 1136.

35-50. The minimum marriageable age (ἡβίονσα) for the heiress is 12 (XII, 32), for the groom-elect probably 14 or 15 (ἡβίων), from which time till 17 he was called ἀπόδρομος. During this period he was expected to marry, and if he refused he was deprived of his share of the income of the heiress's estate. But on coming of age (17, δρομεύς), if he still refused, while she was willing, he was summoned before the judge (as the archon at Athens, Dem. 1068) by the heiress's relations and ordered to marry her within two months, at the peril of forfeiting all right to her property. From Strabo, 482, it would seem that such early marriages were necessary only in the heiress-relationship; for he says that, after their release from the ἀγέλαι, the young men were required to marry; and this age is calcu-



lated at 27 or 28 (Schoemann, *Ant.* p. 306). An early age, however, is indicated by Strabo for the bride, by his statement that she was not taken to the home of the groom until she was competent to manage a household. The bride of the Athenian Ischomachos was not yet 15 (Xen. Oik. vii, 5; cf. Dem. 814, 857); and from Demosthenes (1009) we have the case of a youth married at 18.

40. *πρὲν*: Though elsewhere *πρὶν*: this is to be compared with *πρεῖ-γυς*, *πρεῖγωνα* (xii, 32); cf. Curt. Et. 472.

51. *φυλᾶς*: "The civic body which bore rule in the states of Crete was without doubt, here as elsewhere, split up into tribes and subdivisions of tribes; but on this we have no particular information, except that we find the Dorian tribal name Hylleis mentioned in Cydonia (Hesych.)" (Schoemann, p. 300). To this scanty evidence should be added the word *ἐμφύλοι* (Cauer, 119, 15), which is supplemented by this code (viii, 6, 11, 13, 26, 32). [Halbherr's collection of inscriptions shows other names of tribes; C. on v, 5.]

COLUMN VIII. 7. *ἀποδατῆθαι . . . ἰῶ*: This supplies the deficiency of the expression *διαλαχόνσαν* preceding.

9. According to Plato's provision (Legg. 925), "If there be a lack of kinsmen in a family extending to grandchildren of a brother, or to the grandchildren of a grandfather's children, the heiress may choose, with the consent of her guardians, any one of the citizens willing to accept her hand." Our code is measurably more generous to the heiress than the Athenian or the Platonian, as indeed the position of women in general is more independent, as it was at Sparta. Plato, while following the ordinary principles of Greek law in relation to heiresses, is yet fully sensible of their oppressiveness and hardship (Legg. 925-6), and acknowledges that there will be cases in which the parties will refuse to obey, and be ready to do anything rather than marry, when there is some bodily or mental malady or defect, especially insanity, in one party or the other. He accordingly provides that such cases may be brought before the guardians of the law or the court for adjudication.

20-29. *νύναται*: I connected this with *νυ-στάζω*, in the sense of "consent" (*ἐκούσιον ἔχουσία*, Plat. Legg. 925 A); but the adj. *νυνατόν* in C.'s minor inscription seems to demand the sense of "able," as if for *δυνατόν* (*δύναται*). At Athens a daughter without brothers was regarded as an heiress (*ἐπίκληρος*), as well during her father's lifetime as after his decease (Pollux, 3, 33). In the Gortynian code she is not so, till the death of her father, nor then if she have brothers. The text here contemplates her having been married off by her father, or after his death by a brother. In the first case, she would become heiress at her father's decease if she had no brothers, in the second, after the brother's death. In the latter

event, at Athens her previous marriage could be dissolved directly by judicial decision, her hand being demanded in court by the nearest of kin, as was often done (Is. 3, 64; Dem. 863, 867) whether there were children of the marriage or not. The claimant, however, could forego his rights, if he pleased (Is. 10, 5). Here, on the contrary, it appears that the marriage was regarded as dissolved by the very fact of her thus becoming an heiress, and, if children had been born, it rested with herself and husband to remarry, or, if she pleased, she might wed anyone else of the tribe, by surrendering half the property to the husband and children—a provision which again exhibits the humanity of our lawgiver in striking contrast even to Plato.

36–40. Cf. ἀποτεισάντων οἱ ἐπιδάμοι τῶν κόσμων, Cauer, 119, 33. Sojourn abroad (ἀποδημία) is given in Isaïos (2, 12), as a reason why a brother at home should be selected for adoption in preference to the absentee. Plato would give permission to the heiress to select some one who has gone forth to a colony and bring him back, provided she had no kinsmen (Legg. 925).

42. Plato admits the brother by the same mother among those whom the heiress is to wed, if he has no allotment of land in the community (Legg. 924 E).

45. διαλαγχάνειν: BB. would take the subject from the following clause. In any event the moiety that passes into the hands of the πατρώας goes to the groom-elect (vii, 29–35).

47. ἰάττα: The Dorians of southern Italy used ἔασσα (Ahrens, ii, p. 325). [So C., *et om.*]. The partic. here represents the temporal clause preceding (cf. Hm. θ 461).

51. According to Diodoros (xii, 15) the Katanian lawgiver Charondas wrote, that the nearest kinsmen of the father should manage the property of orphans, but that they should be brought up with the mother's relatives (cf. Diog. Laert. Solon, ix; and the old Scotch and French law). The historian praises this regulation highly, because the relatives on the mother's side are not heirs to the property and will therefore not plot against the orphans' lives; while the father's kinsmen are unable to do so, since the orphans are not entrusted to their care. On the other hand, the property which may fall to them by the death of the orphans they will manage with the greater care, in the hope that it may ultimately come into their possession. According to the hypothesis of Is. 10, the father's brother was the legal guardian of the children of the deceased at Athens; cf. Is. 1, 9; Dem. 814.

COLUMN IX. 5. Lysias, as cited by Suidas (ἐγγεῖτον), quoted a law at Athens to the effect, that all money belonging to orphans should be vested in mortgages, but in no other security. [C.'s reading is opposed to the

general principle of the code as enunciated vi, 7-23. Whatever may correctly supply the lacunae here, it cannot be that the guardians would be permitted to sell property forbidden to a father. BB. have rightly seen this.]

18. See Plat. Legg. 914 C., and the inscription from Zeleia, Ditt. S. I. G. 113, 18-21: ἦν δέ τις ἀμφισβητῇ φᾶς πρίασθαι ἢ λαβεῖν κυρίως παρὰ τῆς πόλεως, διαδικασίην αὐτῷ εἶναι, καὶ εἰδὼν φανῇ μὴ ὀρθῶς ἐκτημένους, τὴν τιμὴν αὐτὸν ἐκτίνειν ἡμιολίην.

26. ἐνχοιωτάνς (ix, 35; Blass, BB.) relieves this passage of much difficulty. At the best we can do no more than guess at the meaning as a whole. ἐνχοιωτάνς is referred to the Hesychian gloss, κοῖτον· ἐνέχυρον, money for which a pledge is given.—διαβαλλόμενος: defraud; Ionic and old Attic. BZ.

32-33. δικαστᾶς: Cf. Dem. Neair. 40: τοῦτων αὐτὸν μάρτυρα ὑμῖν τὸν τότε πολέμαρχον παρέξομαι.—μνάμων: This word, occurring in inscriptions from Halikarnassos, Iasos, etc., is described by Aristotle (Pol. vii, 8), as the title of the officer before whom all private contracts and the decisions of the courts of law have to be registered, indictments laid, and preliminary proceedings in a lawsuit taken.—πολιατεύῃ may refer to the possibility of his being abroad at the time of the case coming up again (cf. οἱ ἐπιδάμοι τῶν πόσμων, Cauer, 119) [so Blass], or of his having suffered ἀτιμία; or, if a mere scribe, of his being a slave. But it may be doubted if any written records of the court were actually kept; none seem here implied. We are reminded of the Homeric supercargo who was φόρτου μνήμων, θ 163. In the Gortynian inscription, Bull. Cor. Hellén. 1885, p. 19, the μνάμων of the *kosmoi* is the brother of the eponymous *kosmos*. The ordinary Greek γραμματεὺς occurs in the Drerian inscription, Cauer, 121.

36. ἀποφείπωντι: Cf. xi, 11, and Is. 2, 33: αὐτοὺς παρέξομαι μάρτυρας, εἰάν ἐθέλωσιν ἀναβαίνειν (εἰσὶ γὰρ τοῦτων οἰκεῖοι); Dem. 850; Is. 9, 18; Aischin. Tim. 71.

40. νικῆν: Cf. νίκης, τὴν μὲν ἐγὼ νίκησα, Hm. λ 545.

41-43. Is this a penalty, or a restriction? Cf. iv, 29-30.

44. πέρα = πείρα C.; cf. χρέος, χρεῖος, as συμπλείξῃ for συμπλέξῃ (cf. πλίσσουμαι, *plicare*).

47. μέττ': μέστα occurs in the Kretan inscription, Cauer, 120, 40, and the Arkadian, 457, 30.—Plato recommends that a transaction in cases of surety, be witnessed by 3 persons if the sum be under 1000 drachmas, five if above (Legg. 953). If contributions to ventures abroad are really meant in this passage, the feature which contemplates the possibility of a single drachma is truly interesting.

COLUMN X. 15-18. Cf. xii, 15.—λείωντ': The emphatic position seems to throw the stress here. The heirs need not pay a legacy above 100 staters, unless they wish. Plato is more peremptory in the case of the gift

of a fixed sum for marriage garments, which, if exceeded, shall be forfeited to Hera and Zeus, and a fine of equal amount exacted, Legg. 774 D.

20-24. In the Delphian inscription, Ditt. S. I. G. 462, it is said of a slave emancipated under certain conditions: *εἰ δέ τινι ζώων δόσιν ποιέοιτο τῶν ιδίων Σῶσος, ἀτελὴς ἂ ὦν ἔστω.*

25-28. To make *Ἀντρωπον* subject is contrary to the spirit of the language of the code.—*δέξασθαι*: Cf. *εἴ γε μὴδὲ δοῦλον ἀκρατῆ δεξαίμεθ' ἂν*, Xen. Mem. i, 5, 3. Second mortgages were not forbidden at Athens (Dem. 930), except by special contract (Dem. 926), nor at Ephesos, Ditt. S. I. G. 344, 34.

33. Adoption at Athens could take place from any citizen's family, though usually confined to relatives, and only when the adoptive father had no legitimate male children (Hypoth. Is. 10), or had renounced those he had, though he might adopt in his will, the act to take effect in the event of his sons dying before they reached their majority, or in the event of his having none at all. If he died childless and intestate, the next of kin became a *quasi* adopted child. After taking the adopted son to his house, on a certain day, regularly that of the *Thargelia* (Is. 7, 15), he brought him before the *phratores*, offered a sacrifice, and swore on the altar that the adopted son was an Attic burgher, and he called his *phratores* to witness that he adopted him as his son. Enrolment then took place in the register of the phratry, as later in that of the deme (Meier and Schoemann, *Att. Proc.* p. 437; Isaios, *passim*). The adopted son succeeded to all rights and responsibilities of legitimate children, the *sacra* (Is. 2, 10, 36-7, 46), payment of debts, etc. If there were natural sons born to the father after adoption, the adopted received an equal share with the son (Is. 6, 63). Were there daughters of the family into which he was adopted, he was expected to marry one of these, and probably adoption could not take place without this provision (Is. 10, 13). If the act took place by will, he might be directed to receive only a part of the estate, as a third or half (cf. Dikaiogenes, Is. 5). In this case he was probably compelled to pay at least his share of the father's debts (cf. Dem. Lakr. 4); if not, the custom would be something like that of our code where there are daughters, when the adopted son was at liberty to decline the obligation. According to Greek sentiments, one would hardly expect him to be relieved of the *sacra*, though they were often costly and troublesome. That he could decline these, is not distinctly stated, though it seems implied, in this code (xi, 2-3). As here, so at Athens, no woman or minor could adopt (Is. 10, 10).

The first 15 lines of column xi., though published in 1863, were not properly explained till 1878, by Bréal (*Rev. Arch.* xxxvi). There could

have been no difficulty with it, if the preceding part had come to light at the same time.

36. ἀπαγορεύοντι: ἀπαγορεύει· ἀποφαίνεται, Hesych.

38. ἑταιρεία: Dosiadas (Athen. 143) says that all Kretan citizens were divided into ἑταιρείαι, and these were also called ἀνδρεία, which is the old Dorian word for mess-companies (*syssitia* at Sparta, in the historic period). Each citizen contributed one-tenth of the produce of his land to his *hetaireia*, and this body made over the total amount of all these contributions to the state treasury, or rather to that division of it from which the expenses of the *syssitia* were to be defrayed (Schoemann, p. 307). In the Dorian inscription, fines laid on the *kosmoi* for the non-performance of duty are also to be divided among the *hetaireiai*. Such regulations support the keen-sighted remark of Hoeck (*Kreta*, iii, p. 126), that these *hetaireiai* formed close mess-companies, at the foundation of which probably lay an earlier tribal division and distinction of family (Dass dieser Einrichtung eine frühere uns unbekannt gebliebene Stammeintheilung und ein Geschlechter-Unterschied zum Grunde lag, wird wahrscheinlich). This becomes still clearer from the fact that in matters of adoption the *hetaireia* corresponded to the Athenian *phratría*. The frugal supply of wine, a small pitcher full, points again to an early period, as the victim at Athens was called μεῖον (Pollux, 3, 53). It is true that frugality in meats and drinks, especially wine (Plat. Min. 320), was a characteristic of the Kretan people; but at the ordinary meals a bowl of wine was placed on the table, and then a second, after the meal was over (Athen. 143).

42-3. θίνα καὶ ἀνθρώπινα: θείων καὶ ἀνθρωπίνων, Kretan inscription, C. I. G. 2554 (new reading from the stone, θίνων καὶ ἀνθρωπίνων, Comparetti, Museo Italiano, i. p. 144); θείων καὶ ἀνθρωπίνων, Cauer, 118.

COLUMN XI. 5-6. πλίνι: More than the daughters,—to houses, cattle, etc., as a son would (iv, 31-43). [C. conceives the meaning to be “the adopted son shall not transmit it further by adoption.”]

10. So at Athens, Dem. 1100.

11. The Athenian ἀποχήρυσις, admissible at least in case of legitimate sons (Dem. 1006, Plat. Legg. 929; ἀπίπασθαι, Hdt. i. 59). Repudiation of an adopted son was also permitted, even after his marrying a daughter of the adoptive father, as seen in the case of Leocrates, Dem. 1029.

15. I have supplied δέξα as double the gift of ii, 52, where it is the amount presented to the wife when renounced by the husband.—[δικαστήριον: probably the building on whose walls the code was inscribed, BZ.]

16. ξενίω: This may correspond to the Homeric ξενήτιον, as the gift of hospitality presented to the guest at parting, and would thus be an assurance that the repudiation was done in all friendly feeling (cf. Cauer,

118, 15: δόμεν ἀδοῖς ξένια ἀργυρίω μνᾶν); or it may be read *Ξενίω* "in propitiation of Zeus Xenios"; cf. Athen. 143, f. [C., reading τῷ *χσενίω*, refers it to a tribunal, *Ξενικὸν δικαστήριον*, Pollux, 8, 62.]

20. ἔγραψε: For *ἐγράφθη*, by assimilation, C.

21. ἀμφαντοῖ: Dat. of ἀμφαντός, as ὀρχηστός, etc. [So also Blass; and Dittenberger, *Hermes*, 1885, p. 577.]

24. It will be noticed that the remainder of the code is mainly explanatory and supplementary to the preceding, as if it was originally intended to stop here, but additional provisions were found necessary or advisable, as in the Twelve Tables at Rome.

25. ἐπιδέχεσθαι: I understand this as supplying a fact that seems taken for granted in i, 2-25, but is now distinctly enjoined, namely, that the slave, when set at liberty after seizure by the complainant, shall be received by his master, who shall be responsible for him till the decision of the judge; and, in the case of the free man, the *assertor in libertatem* shall do likewise, as implied in ὁ ἔχων, i, 24. "Toute personne qui voudra transiger avant jugement sera toujours reque à le faire," D.; "L' uomo che voglia (ammettere quanto reclama chi lo cita in giudizio) ammetta in ogni caso prima del processo," C.; "Einen Menschen, wer ihn wegführt vor dem Rechtsstreit, nehme man immer an sich," BZ.

45-53. Notwithstanding the expression γυνὰ ἀνδρός (which, however, is to be compared with iii, 41), this appears a mere supplement to iii, 5-7, where the husband has brought suit against the wife for recovery of property claimed to have been wrongfully taken. If the judge decide that she may take her oath of exculpation, it shall be done within twenty days, but 4 days previously the complainant shall announce his charges. [So BZ., Blass; C. and D. of the woman suing for divorce from husband, of which we know so little at Athens.]

53. προτέταρτον: This seems preferable to F.'s *πρὸ τετάρτων*, although singular. [So C., *et om.*] Cf. *προσκαλεσάμενος πρόπεμπτα*, Dem. 1076, 75; *πρότριτα*, Thuk. ii, 34, Arist. Pol. vii, 8, 7 (1321). If *πρό* be retained as a separate preposition, its usage in this sense at so early a date finds support from Hdt. vii, 130, 138; cf. Cauer, 119, 42.

COLUMN XII. 16. ἔγραπτο: Clear evidence that a written code preceded the present one, as that of Draco before Solon's; and like Draco's it was in great part superseded by the one we now have, in matters of private relations.

21. ὀρφανοδικασταί: One would naturally expect this word to be equivalent to the ὀρφανισταί of Photios: ἀρχὴ ἐπὶ τῶν ὀρφανικῶν· ἵνα μηδὲν ἀδικῶνται: or Xenophon's ὀρφανοφύλακες (Vectig. 2, 7), or the Archon Eponymos at Athens (Dem. 1076). But what kind of a public office could be that in which an interregnum during an heiress's minority would

be conceived to exist? It seems to me more likely that these are guardians appointed by the father before his death. Plato (Legg. 924 B) prescribes that, if a father die intestate, the next of kin, two on the father's and two on the mother's side, and one of the friends of the deceased, shall have the authority of guardians (cf. 766 C). Or it may mean the grandfather, who might be alive during the youth of the heiress. [Not public officials; probably appointed by father, C.]

27. *πάτρωα*: According to the requirements of the case, this cannot mean the father's brother, as elsewhere, but must be some more distant relation on the father's side (cf. *μάτρωσ* in Pindar and Eur.). [Grandfather, C.]

28. *τὸνς ἐγγραμμένονς* should refer to viii, 44–52, ix, 1–4.

30. *ἀνᾶνται*: *ἀνη* · *ἄνουσις*, Hesych.; hence *ἀνάω*. *ἄνουσις* · *αἰξήσις*, Hesych. *τὸ τοίνυν χωρίον τὸ ἐκείνου πατρῶον ὁ πατήρ ὁ ἐμὸς* (as guardian) *ἐφύτευσε καὶ ἐγεώργει καὶ ἐποίει διπλασίον ἄξιον*, Is. 9, 28.

AUGUSTUS C. MERRIAM.